

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

CPC PATENT TECHNOLOGIES PTY LTD,

Plaintiff,

v.

APPLE INC.,

Defendant.

Case No. 6:21-cv-00165-ADA

**JURY TRIAL DEMANDED**

**CASE READINESS STATUS REPORT**

Pursuant to the Court's Standing Order Regarding Notice of Readiness for Scheduling Conference in Patent Cases dated November 19, 2020, Plaintiff CPC Patent Technologies Pty Ltd. ("CPC") and Defendant Apple Inc. ("Apple"), (collectively, the "parties"), hereby provide this report in advance of the initial Case Management Conference ("CMC").

**FILING AND EXTENSIONS**

CPC's Complaint was filed on February 23, 2021. Dkt. 1. The parties agreed to one extension for Apple to file an answer or otherwise respond to CPC's Complaint for a total of 45 days (filed on March 19, 2021, Dkt. 18, granted on March 22, 2021, Dkt. 20).

**RESPONSE TO THE COMPLAINT**

On May 6, 2021, Apple responded to CPC's Complaint by filing a Motion to Dismiss. Dkt. 23. Apple has not answered or counterclaimed.

**PENDING MOTIONS**

Two motions are currently pending:

(1) Defendant Apple Inc.'s Motion to Transfer Venue to The Northern District Of California, filed on May 4, 2021. Dkt. 22;

(2) Apple Inc.'s Motion to Dismiss Complaint Pursuant to Rule 12(b)(6). Dkt. 23.

### **RELATED CASES IN THIS JUDICIAL DISTRICT**

The following related case is pending in this Judicial District:

- *CPC Patent Technologies Pty Ltd. v. HMD Global Oy*, No. 6:21-cv-00166.

### **IPR, CBM, AND OTHER PGR FILINGS**

There are no known IPR, CBM, or PGR filings at this time.

### **NUMBER OF ASSERTED PATENTS AND CLAIMS**

CPC has asserted three patents and a total of twenty-five claims.

CPC has not yet served its Preliminary Infringement Contentions.

### **APPOINTMENT OF TECHNICAL ADVISER**

At this time, the parties do not request a technical adviser to be appointed to the case to assist the Court with claim construction or other technical issues.

### **MEET AND CONFER STATUS**

Plaintiff and Defendant met and conferred. The parties identified the following pre-*Markman* issues to raise at the CMC:

- Venue discovery has opened with the filing of Apple's Transfer Motion. The parties are negotiating the scope and timing of venue discovery. The parties have discussed completing discovery within three months, or sooner to the extent possible, which will depend on the ability of the parties to negotiate a reasonable scope for their venue discovery.
- Apple will seek permission from the Court to commence pre-*Markman* discovery of foreign parties located in Australia, Hong Kong, and the United Kingdom. This discovery relates to, among other issues, the ownership of the asserted patents and CPC's standing to file suit. For the foreign entities affiliated with CPC, CPC has indicated that it may be able to accept service of certain subpoenas and generally facilitate discovery. However, to the extent it is necessary for Apple to serve subpoenas via the Hague Convention or seek alternative means for service, as will certainly be the case at least for the foreign entities that are not affiliated with CPC,

pre-*Markman* discovery is necessary. CPC has indicated that it does not oppose Apple's request to commence this pre-*Markman* foreign discovery. CPC has invited Apple to identify the individuals/entities upon whom it intends to conduct foreign discovery so that it may confirm whether service is necessary.

Dated: May 27, 2021

Respectfully submitted,

/s/ Stewart Mesher

Stewart Mesher  
Texas State Bar No. 24032738  
**K&L GATES LLP**  
2801 Via Fortuna, Suite #350  
Austin, TX 78746  
Tel.: (512) 482-6841  
Fax: (512) 482-6859  
Stewart.Mesher@klgates.com

Elizabeth A. Gilman  
Texas State Bar No. 24069265  
**K&L GATES LLP**  
1000 Main Street, Suite #2550  
Houston, TX 77002  
Tel.: (713) 815-7327  
Fax: (713) 815-7301  
Beth.Gilman@klgates.com

James A. Shimota  
(admitted *pro hac vice*)  
Illinois State Bar No. 6270603  
George C. Summerfield  
(admitted *pro hac vice*)  
Michigan State Bar No. P40644  
Dhohyung Kim  
(admitted *pro hac vice*)  
Illinois State Bar No. 6336174  
**K&L GATES LLP**  
70 W. Madison Street, Suite #3300  
Chicago, IL 60602  
Tel.: (312) 807-4299  
Fax: (312) 827-8000  
Jim.Shimota@klgates.com  
George.Summerfield@klgates.com  
DK.Kim@klgates.com

**ATTORNEYS FOR CPC PATENT  
TECHNOLOGIES PTY LTD.**

Date: May 27, 2021

Respectfully submitted,

/s/ Seth M. Sproul

Seth M. Sproul (admitted *Pro Hac Vice*)

CA Bar No. 217711

FISH & RICHARDSON P.C.

12860 El Camino Real, Suite 400

San Diego, CA 92130

Telephone: (858) 678-5070

Facsimile: (858) 678-5099

sproul@fr.com

jyang@fr.com

Benjamin C. Elacqua

TX Bar No. 24055443

Anthony Van Nguyen (admitted *Pro Hac Vice*)

TX Bar No. 24083565

Kathryn Quisenberry

TX Bar No. 24105639

FISH & RICHARDSON P.C.

1221 McKinney Street, Suite 2800

Houston, TX 90067

Telephone: (713) 654-5300

Facsimile: (713) 652-0109

elacqua@fr.com

nguyen@fr.com

quisenberry@fr.com

Joy B. Kete (admitted *Pro Hac Vice*)

MA Bar No. 694323

FISH & RICHARDSON P.C.

One Marina Park

Boston, MA 02210

Telephone: (617) 542-5070

Facsimile: (617) 542-8906

kete@fr.com

Betty H. Chen

TX Bar No. 24056720

FISH & RICHARDSON P.C.

500 Arguello St.

Redwood City, CA 94063

Telephone: (650) 839-5070  
Facsimile: (650) 839-5071  
bchen@fr.com

J. Stephen Ravel  
TX Bar No. 16584975  
Kelly Ransom  
TX Bar No. 24109427  
KELLY HART & HALLMAN LLP  
303 Colorado, Suite 2000  
Austin, TX 78701  
Telephone: (512) 495-6429  
steve.ravel@kellyhart.com  
kelly.ransom@kellyhart.com

*Attorneys for Apple Inc.*